

## REMARKS

The Office Action dated March 28, 2005 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 9, 17, 25, 33 and 41 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 6-8, 13-15, 22-24, 29-31, 38-40 and 45-47 have been canceled, without prejudice or disclaimer. Support for the amendments may be found in the specification generally and specifically in original claims 6, 13, 22, 29, 38 and 45. No new matter has been added. Claims 1-5, 9-12, 16-21, 25-28, 32-37, 41-44 and 48 are respectfully submitted for consideration.

Claims 1-5, 7-12, 14-21, 23-28, 30-37, 39-44 and 46-48 were rejected under 35 USC §103(a) as being unpatentable over *Tsumpes* (U.S. Patent No. 6,442,241) in view of *Cardina et al.* (U.S. Patent No. 6,441,802). The Office Action took the position that *Tsumpes* disclosed all of the elements of those claims with the exception of determining whether the landline communication medium is active. Claims 6, 13, 22, 29, 38 and 45 were rejected under 35 USC §103(a) as being unpatentable over *Tsumpes* in view of *Cardina et al.* and *Yao et al.* (U.S. Patent No. 5,983,114). The Office Action took the position that *Tsumpes* and *Cardina et al.* disclosed all of the elements of those claims with the exception of a satellite communications link. Applicants respectfully submit that the presently pending claims recite subject matter which is neither disclosed nor suggested in the cited prior art.

Claim 1 recites a process of detecting and communicating alarm events by a security system. The process includes monitoring sensors in communication with the security system, where specific changes in outputs of the sensors indicate an alarm event, determining whether a landline communication medium connecting the security system with a monitoring headquarters is active, when the alarm event is detected, sending data, indicating the alarm event, over the landline communication medium to the monitoring headquarters when the landline communication medium is determined to be active and sending data, indicating the alarm event, over a wireless communication medium to the monitoring headquarters when the landline communication medium is not determined to be active. The step of sending data, indicating the alarm event, over a wireless communication medium includes sending the data through a satellite communications link with the monitoring headquarters. Claims 2-5 depend from claim 1.

Claim 9 recites a process of detecting and communicating alarm events by a security system. The process includes monitoring a landline communication medium which connects the security system with a monitoring headquarters, to determine whether the landline communication medium is active, switching a default communication medium from the landline communication medium to a wireless communication medium, when the landline communication medium is determined to not be active and sending data, indicating an alarm event, over the default communication medium to the monitoring headquarters when the alarm event is detected. The step of sending data, indicating the alarm event, over the default communication medium includes sending the

data through a satellite communications link with the monitoring headquarters, when the landline communication medium is determined to not be active. Claims 10-12 and 16 depend from claim 9.

Claim 17 recites a security system for detecting and communicating alarm events. The system includes monitoring means for monitoring sensors in communication with the security system, where specific changes in outputs of the sensors indicate an alarm event, determining means for determining whether a landline communication medium connecting the security system with a monitoring headquarters is active, when the alarm event is detected, first sending means for sending data, indicating the alarm event, over the landline communication medium to the monitoring headquarters when the landline communication medium is determined to be active and second sending means for sending data, indicating the alarm event, over a wireless communication medium to the monitoring headquarters when the landline communication medium is not determined to be active. The second sending means includes third sending means for sending the data through a satellite communications link with the monitoring headquarters. Claims 18-21 depend from claim 17.

Claim 25 recites a security system for detecting and communicating alarm events including monitoring means for monitoring a landline communication medium which connects the security system with a monitoring headquarters, to determine whether the landline communication medium is active, switching means for switching a default communication medium from the landline communication medium to a wireless

communication medium, when the landline communication medium is determined to not be active and sending means for sending data, indicating an alarm event, over the default communication medium to the monitoring headquarters when the alarm event is detected. The sending means includes second sending means for sending the data through a satellite communications link with the monitoring headquarters. Claims 26-28 and 32 depend from claim 25.

Claim 33 recites a security system for detecting and communicating alarm events including a monitor, for monitoring sensors in communication with the security system, where specific changes in outputs of the sensors indicate an alarm event, a determiner, for determining whether a landline communication medium connecting the security system with a monitoring headquarters is active, when the alarm event is detected, a first transmitting unit, for sending data, indicating the alarm event, over the landline communication medium to the monitoring headquarters when the landline communication medium is determined to be active and a second transmitting unit, for sending data, indicating the alarm event, over a wireless communication medium to the monitoring headquarters when the landline communication medium is not determined to be active. The second transmitting unit comprises a third transmitting unit for sending the data through a satellite communications link with the monitoring headquarters. Claims 34-37 depend from claim 33.

Claim 41 recites a security system for detecting and communicating alarm events including a monitor, for monitoring a landline communication medium which connects

the security system with a monitoring headquarters, to determine whether the landline communication medium is active, a switch, for switching a default communication medium from the landline communication medium to a wireless communication medium, when the landline communication medium is determined to not be active and a transmitting unit for sending data, indicating an alarm event, over the default communication medium to the monitoring headquarters when the alarm event is detected. The transmitting unit includes a second transmitting unit for sending the data through a satellite communications link with the monitoring headquarters.

As discussed in the present specification, the present invention enables the provision of a listing of goods to a user remotely. It is respectfully submitted that the prior art of *Tsumpes*, *Cardina et al.* and *Yao et al.* fails to disclose or suggest the elements of any of the above-discussed claims. Therefore, the prior art fails to provide the critical and unobvious advantages discussed above.

Applicants note that the subject matter of claims 6, 13, 22, 29, 38 and 45 have been incorporated into their respective independent claims. Thus, Applicants respectfully assert that *Tsumpes* and *Cardina et al.* do not teach or suggest all of the elements of the independent claims after the above-discussed incorporation. Previously, claims 6, 13, 22, 29, 38 and 45 were rejected over *Tsumpes*, *Cardina et al.* and *Yao et al.* and Applicants respectfully assert that the cited prior art fails to teach or suggest all of the elements of independent claims 1, 9, 17, 25, 33 and 41.

*Tsumpes* is directed to an automated parallel and redundant subscriber contact and

event notification system. It is acknowledged that *Tsumpes* fails to disclose determining whether the landline communication medium is active and sending data over the wireless communication medium. *Cardina et al.* is alleged to cure this deficiency. With respect to the above-mentioned rejection, both *Tsumpes* and *Cardina et al.*, neither reference teaches or suggests the use of a satellite communications link.

*Yao et al.* is cited as curing the above-discussed defect in that *Yao et al.* is alleged to teach that satellite communication is old and well-known to use. The rejection also alleges that it would have been obvious to incorporate a satellite communications link into the process of *Tsumpes* and *Cardina et al.*, as taught by *Yao et al.*, to provide a wireless communication between a security system and a monitoring facility. Applicant respectfully traverses this rejection.

Applicant respectfully asserts that the rejection is guided merely by impermissible hindsight reasoning. “To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.” In re Rouffet, 47 USPQ2d 1453 at 1458(CAFC 1998).

In the present case, *Tsumpes* and *Cardina et al.* disclose many communication methods between the security system and a monitoring facility that provide for redundant

communication paths, but there is no conception of the use of a satellite communications link. The fact that *Yao et al.* discusses satellite communication does not motivate the combination. To establish a *prima facie* case of obviousness, there must be some motivation or suggestion, either in the references themselves or within the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The fact that a given modification would have been “well within the ordinary skill in the art” is not sufficient to establish a *prima facie* case of obviousness. Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). Just because an aspect of the invention may be “obvious to try” does not provide the proper motivation under §103. As such, Applicant respectfully asserts that the proffered combination is improper and not supported by the motivation given in the rejection. Reconsideration and withdrawal of the above-discussed rejection are respectfully requested.

It is further submitted that each of claims 1-15, 20, 21, 23-32, 36, 38-47, 51 and 53 recite subject matter which is neither disclosed nor suggested in the cited prior art. It is therefore respectfully requested that all of claims 1-15, 20, 21, 23-32, 36, 38-47, 51 and 53 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin F. Turner', written over a horizontal line.

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